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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,243

06/26/2003

Tetsuo Hasegawa

04329.3080

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01/08/2008

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EXAMINER

HARPER, LEON JONATHAN

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,243

Applicant(s)

HASEGAWA ET AL.

Examiner

Leon J. Harper

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9-11 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/26/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2007 has been entered. Claims 2,3,7,8,12, and 13 have been cancelled. Accordingly, claims 1,4-6, 9-11, 14, and 15 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 6-8, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003 0065774 (hereinafter Steiner) in view of US 6625595 (hereinafter Anderson).

2. As for claim 1, Steiner discloses: a search unit configured to, when receiving from an agent a search request to search for a desired information service from a plurality of information services existing on a network, search a registry in which said plurality of information services are registered in such a manner that said plurality of information services correspond to information items including four information items of a domain of a service, input and output items of a service, restrictions on the input and output items, and a comment sentence including keywords and item values corresponding to the contents of each service (See paragraph [0027] and table 2 agent =requestor, database of resources are maintained by the resource broker); and search condition item extracting means for extracting at least one of an information item related to the information service retrieved by the search unit and a value of the information item, from the registry and notifying the agent of at least one of the four information items extracted as a re-search request and the value extracted, together with the result of the search made by the search unit (See paragraphs 0039-0041). While Steiner does not differ substantially from the claimed invention, the disclosure of wherein the search unit outputs the result of the search to the search condition item extracting means when the result of the search specifies a larger number of information services than a specified number of information services is not necessarily explicit. Anderson however

does disclose wherein the search unit outputs the result of the search to the search condition item extracting means when the result of the search specifies a larger number of information services than a specified number of information services (See column 3 lines 8-15). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have incorporated the teaching of Anderson into the system of Steiner. The modification would have been obvious because too many results are often not helpful to a user and can often confuse the user, likewise too few results are not helpful and can result in frustration to the user, therefore it makes sense to specify a number or range for the number of results and allow variances (i.e. more or less) based on whether the system prefers to error on the side of more or less results.

3. Claim 6 is a information service support claim corresponding to information service search support claim 1, and is thus rejected for the same reasons set forth in the rejection of claim 1.

Claims 11 is an information service search method claims corresponding to information service search support claim 1, and is thus rejected for the same reasons set forth in the rejection of claim 1.

Claims 4,5,9,10,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner and Anderson as applied to claim 2 above, and further in view of US 6327590 (hereinafter Chidlovskii).

4. As for claim 4, the rejection of claim 1 is incorporated, and further Steiner differs from the claimed invention in that Steiner does not explicitly disclose: wherein the search condition item extracting means classifies, by the frequency of appearance, the information item names and/or item values classified by category and notifies the agent of the result. Chidlovskii however does disclose the search condition item extracting means classifies, by the frequency of appearance, the information item names and/or item values classified by category and notifies the agent of the result (See column 1 lines 41-44). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated and teaching of Chidlovskii into the system of Steiner. The modification would have been obvious because the more an information item name appears; the assumption is the more vital that item is to the operations of the provider. This statement is not one of conclusion. An artisan skilled in the art must use the phrase the assumption is or something similar because frequency of appearance is not the most accurate method of classification but is nevertheless implemented because it is one of the easiest, with both heap and bubble sort having modifications that use a frequency sort

As for claim 5, the rejection of claim 4 is incorporated, and further Steiner differs from the claimed invention in that the search condition item extracting means determines the qualification as a search condition item of each of the information item names and/or item values classified by the frequency of appearance for a search condition, on the basis of its frequency of appearance and notifies the agent of the result is not explicitly indicated. Chidlovskii however does disclose: wherein the search condition item extracting means determines the qualification as a search condition item of each of the information item names and/or item values classified by the frequency of appearance for a search condition, on the basis of its frequency of appearance and notifies the agent of the result (See column 9 lines 46-51). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Chidlovskii into the system of Steiner. The modification would have been obvious because the more an information item name appears; the assumption is the more vital that item is to the operations of the provider.

Claims 9 and 10 are information service support claims corresponding to information service search support claims 4 and 5 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 4 and 5.

Claims 14 and 15 are information service search method claims corresponding to information service search support claims 4 and 5 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 4 and 5.

Response to Arguments

Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

Applicant argues:

Independent claim 1, as amended, calls for a combination including, for example, "a registry [comprising]... four information items of a domain of a service, input and output items of a service, restrictions on the input and output items, and a comment sentence." The prior art fails to teach or suggest at least this element of claim 1. Steiner discloses a "resource providers database." Steiner, para. [0085]. The Examiner argues that "resource providers [of Steiner] could be considered [the claimed] information items." Final Office Action, p. 9. However, in Steiner, the database comprising resource providers does not "includ[e] a service domain, input and output items, restrictions on the input and output items, and comments," as recited in claim 1. Therefore, Steiner does not disclose "a registry [comprising]... information items including a service domain, input and output items, restrictions on the input and output items, and comments," as recited in claim 1.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'

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Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
January 5, 2008


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER